

OGC 73-0695

23 April 1973

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Dear Jack:

This is in response to your letter of 2 April concerning the status of proposed legislation to amend the Agency retirement act to provide survivor's benefits to spouses acquired after retirement.

We are, of course, very sympathetic to your problem. As the years go by, we find that your situation is not uncommon. Unfortunately, we are unable to change our policy in regard to survivor annuities without Congressional action. Congress was very reluctant to establish a separate Agency retirement system, and it was only through persistent effort that we were able to convince Congress of our need for it. Congress did not give the Director of Central Intelligence administrative discretion in certain matters pertaining to the system. Thus, we are unable to allow the naming of a substitute survivor annuitant upon a change in marital status.

We have drafted a bill to further amend the Agency's retirement act. Our draft bill conforms our retirement system to the changes concerning survivor annuities approved by Congress for the Civil Service Retirement System, which you mentioned in your letter. Enactment of our proposed legislation will assure that our retirement system is consistent with the Civil Service system in

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April 2, 1973

Mr. Lawrence R. Houston, General Counsel,
Central Intelligence Agency,
Washington, D.C. 20505

Dear Larry:

I am writing with regard to certain legal aspects of my retirement agreement with the Agency. When I retired in February 1969 I elected a reduced annuity with survivor's benefit, in other words my wife would be entitled to a portion of my annuity were I to predecease her. As it turned out, [redacted] died in May of 1970 and I subsequently remarried to [redacted] in September 1971.

Upon inquiry to the Office of Personnel, I was informed by [redacted] in November 1972 that my new wife would not be entitled to any annuity upon my death but that, nevertheless, I would continue to receive a reduced annuity as before. Thus, despite the fact that I have a wife and am paying a monthly premium for survivor's benefit, I am told that under current legislation she cannot receive this benefit.

[redacted] also advised me that the Agency was preparing proposed legislation which would amend the Agency retirement act and entitle spouses acquired after retirement to survivor's benefit under certain qualifications.

Needless to say, I am vitally concerned with the status of this proposed legislation. I understand that it would bring the Agency retirement act into conformance with the Civil Service Retirement Act, amended in this respect on Jan. 8, 1971 by PL 91-658, and would thus appear to be non-controversial in nature. I strongly urge that the Agency push forward with this legislation so that it can be enacted as quickly as possible.

I would appreciate your letting me know just where this proposed legislation stands now and when you expect it might be introduced into Congress. At that time, to which committees in the Senate and House would it be referred? Does the proposed legislation contain provisions other than that discussed above which might make its passage doubtful? If so, would it be feasible to introduce this issue separately since its passage, in view of the Civil Service action, would appear to be virtually assured? Or is the Agency retirement

program related to the Civil Service retirement program in such a way that this particular issue could be handled by administrative rather than legislative action?

Finally, would it be possible for you to send me a copy of the current Agency retirement act, particularly those portions which apply to the question under discussion.

Sorry to bother you with these questions but I hope you can appreciate the importance of this matter to me.

Sincerely,

[Redacted Signature]

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